

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.699 OF 2006

V.D.Shetty and Ors.

...Petitioners.

Versus

The State of Maharashtra
and Ors.

...Respondents.

Shri P.A.Pol for the Petitioners.

Ms. Vaidehi Mhaisapurkar, A.G.P for Respondent Nos.1
to 3.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 14th FEBRUARY, 2006.

P.C. :

1. The petitioners are aggrieved by an order passed by the Joint Registrar, Co-operative Housing Societies (CIDCO), Navi Mumbai, under Section 78(1) of the Maharashtra Co-operative Societies Act, 1960. The order removes the committee members of a Co-operative Housing Society and appoints an Administrator thereon. It is pointed out by the petitioners that an Appeal lies against the said order and the said is indeed preferred, but, the Appellate authority was not available and, therefore, the Appeal could not be heard.

2. Ms.Mhaisapurkar appearing for respondent Nos.1

to 3, on taking instructions from the respondent No.4 -

:2:

who is present in Court, states that the Appeal would now be heard by the Appellate Authority and party should appear before him on 27th February, 2006.

3. In the light of the statement of Ms.Mhaisapurkar that the Appellate Authority is available and the Appeal is fixed for hearing on 27th February, 2006, it is not necessary to entertain this Petition. However, the order passed under Section 78(1) of the Maharashtra Co-operative Societies Act, 1960 shall not be implemented till the hearing and final disposal of the Appeal and for a period of two weeks from the date of communication of an order in Appeal, if adverse to the petitioners herein. All contentions on merits are expressly kept open. Petition is disposed of.

(S.C.DHARMADHIKARI,J.)